

Regular Session, 2011

HOUSE BILL NO. 219

BY REPRESENTATIVES SAM JONES, BARRAS, CHAMPAGNE, CORTEZ,
GUILLORY, HARRISON, HAZEL, LAMBERT, LEBAS, LEGER, MCVEA,
GARY SMITH, ST. GERMAIN, AND WILLIAMS AND SENATOR MILLS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

PROPERTY/PUBLIC: Provides for specific uses for the Atchafalaya Basin Conservation Fund

1 AN ACT

2 To amend and reenact R.S. 30:2000.12(C), relative to the Atchafalaya Basin Conservation
3 Fund; to provide for funds to purchase, from willing sellers, land in the Atchafalaya
4 Basin; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 30:2000.12(C) is hereby amended and reenacted to read as follows:

7 §2000.12. Atchafalaya Basin Conservation Fund

8 * * *

9 C.(1) Monies appropriated from the fund shall be used exclusively by the
10 Department of Natural Resources to fund projects contained in the state or federal
11 Basin master plans, an annual Basin plan, or to provide match for the Atchafalaya
12 Basin Floodway System, Louisiana Project. Of the monies allocated in any one
13 fiscal year, seventy-five percent shall be used for water management, water quality,
14 or access projects, and the remaining twenty-five percent may be used to complete
15 ongoing projects and for projects that are in accordance with the mission statement
16 of the state master plan. The monies in the fund shall not be used to pay salaries or
17 operating costs of the program or department.

18 (2) Of the monies received by the fund each year in accordance with the
19 provisions of Article VII, Section 4(D)(4)(b) of the Constitution of Louisiana, a

minimum of five percent shall be set aside until the total amount reaches ten million dollars. Such funds shall be used by the Department of Natural Resources for the purchase of land, or rights, or servitudes, specifically including conservation servitudes pursuant to R.S. 9:1271 et seq., from willing sellers to improve water quality, access, or other projects consistent with the Atchafalaya Basin Master Plan. Annual set-asides shall continue to be used to replenish funds used to make qualifying purchases, with such set-asides not to exceed ten million dollars. Any land, or right, or servitude thereof proposed to be purchased pursuant to the provisions of this Section shall be included in a Basin annual plan presented to the legislature, and no proposed contract made pursuant to the provisions of this Section shall be executed without such purchase having been included in an approved Basin annual plan. Willing sellers shall be permitted to avail themselves of the applicable provisions of R.S. 31:149, and R.S. 9:2795, for the sale of property, or any right or servitude thereof, made pursuant to this Section, specifically including the sale or lease of other rights, to the exclusion of the general public, upon the same parcel of land; however, the Department of Natural Resources shall not enter into an agreement pursuant to this Section unless such an agreement specifically provides that the assertion of such rights will not impact surface activities on such parcels, including coastal restoration and conservation projects constructed by or at the direction of the state. The secretary of the Department of Natural Resources shall seek from the United States Army Corps of Engineers, or its successor, credit towards any voluntary or mandatory funding matching requirement for the Atchafalaya Basin Floodway System, Louisiana Project equal to the value of the property, or right thereof, secured by any contract of sale executed pursuant to this Section.

* * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Sam Jones

HB No. 219

Abstract: Provides for certain funds in the Atchafalaya Basin Conservation Fund to be used to purchase, from willing sellers, land in the Atchafalaya Basin.

Present constitution provides for certain revenues from severance taxes levied in the Atchafalaya Basin to be deposited into the Atchafalaya Basin Conservation Fund. Present law specifies how those revenues are to be expended, i.e., for projects contained in the state or federal Basin master plans, an annual Basin plan, or to provide match for federal dollars being used in the Atchafalaya Basin Floodway System, Louisiana Project.

Proposed law retains present law and further provides that of the funds received from the severance tax dedication, a minimum of 5% until the total reaches \$10 million is to be set aside for the Dept. of Natural Resources (DNR) to purchase land, rights, or servitudes, from willing sellers to improve water quality, access, or other projects consistent with the Atchafalaya Basin Master Plan.

Proposed law provides that annual set-asides shall continue to be used to replenish funds used to make qualifying purchases, with such set-asides not to exceed \$10 million. Any land, or right, or servitude proposed to be purchased shall be included in a Basin annual plan presented to the legislature, and no proposed contract shall be executed without such purchase having been included in such plan.

Proposed law provides that willing sellers shall be permitted to avail themselves of the applicable provisions of present law governing mineral rights (R.S. 31:149) and the limitation of liability of a landowner of property used for recreational purposes (R.S. 9:2795), specifically including the sale or lease of other rights, to the exclusion of the general public, upon the same parcel of land. Specifies that DNR shall not enter into an agreement unless such an agreement specifically asserts that such rights will not impact surface activities on such parcels.

Proposed law requires the DNR secretary to seek from the U.S. Army Corps of Engineers, or its successor, credit towards any voluntary or mandatory funding matching requirement for the Atchafalaya Basin Floodway System, Louisiana Project, equal to the value of the property, or right thereof, secured by any contract of sale executed.

(Amends R.S. 30:2000.12(C))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Appropriations to the original bill.

1. Changed amount to be set aside from 5% to a minimum of 5% until the total amount reaches \$10 million.
2. Specified that purchase may be land, rights, or servitudes.

3. Added provisions regarding the rights of willing sellers.
4. Required the proposed purchase to be included in the annual plan prior to the actual purchase.